

PLANNING COMMISSION MINUTES

April 21, 2009

7:00 P.M.

Present: Vice Chairman Tom Smith, Ray Keller, Barbara Holt, Michael Allen, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen, and Recording Secretary Connie Feil.

Absent: Chairman Clark Jenkins and City Council Representative Beth Holbrook. Dave Badham excused himself from the meeting after determining there were enough present to have a quorum without his presence.

Michael Allen made a motion to approve the minutes for March 3, 2009 as written. Barbara Holt seconded the meeting and voting was unanimous in favor.

1. PUBLIC HEARING - Consider preliminary and final condominium plat approval located at 1525 North Main Street, Village On Main, applicant.

Larry Kocherhans, applicant, was present. Paul Rowland explained that in October of 2006 the Village on Main Street Commercial Subdivision was approved as a mixed use commercial/residential development with six lots; five as standalone commercial pads and one large lot as a mixed residential and commercial lot. Several of the standalone pad lots have been sold and now have businesses, but the developer has had trouble leasing the commercial portions of the mixed use building because small business owners are reluctant to occupy a spot by leasing rather than by purchase. For this reason the developers are now requesting that Lot 6, the mixed use lot, be converted to condominiums.

The first floor of the east and north commercial wings will be divided into 22 individual commercial condo units, and the remaining residential floors will be divided into two units, basically the south half as Unit 1 and the north half as Unit 2. The two residential units, which include all 192 apartments, will be owned by one owner with the individual living spaces remaining as rental property. The individual units will be private space, with the access halls, stairs, swimming pools, driveways, landscaping and parking lot being divided up as limited common areas and common areas.

City Ordinance allows the conversion of an existing building into condos by vacating Lot 6 out of the existing Village on Main Subdivision plat and making a proper condominium plat from the vacated parcel. This change will not affect or modify the building uses, parking requirements, or any of the other conditions that were placed on the development with the original approval; only the way ownership is held will change.

Mr. Kocherhans explained that the residential section is doing very well, but the commercial is difficult because small business owners want to own the property.

The public hearing was opened for all those with comments and concerns. The public hearing was closed without comments.

Staff recommended preliminary and final condominium plat approval for Village on Main Condominium Plat, located at 1525 N. Main with the following conditions:

1. Have Lot 6 of the Village on Main Street Commercial Subdivision vacated by ordinance.
2. Submit a current title report.
3. Make minor changes to the plat per red lines.
4. Provide a signed plat ready for recording.
5. Pay required checking and recording fees.

There was a brief discussion regarding the recorded CC&R's to cover the cross/shared parking. It was suggested to have a copy of the document submitted before final approval.

Barbara Holt made a motion to send to the City Council preliminary and final condominium plat approval for the Village on Main subject to the conditions outlined by Staff with the addition of the following:

6. Provide a copy of the CC&R's for final approval.

Ray Keller seconded the motion and voting was unanimous in favor.

2. PUBLIC HEARING - Consider preliminary subdivision approval located at 712 East Mill Street, Brian Knowlton, applicant.

Brian Knowlton, applicant, was present. Paul Rowland explained that Mr. Knowlton, acting on behalf of the Lewis family, is requesting preliminary approval for a four lot subdivision of an existing 1.67 acre single family lot located at 712 East Mill Street. The property is something of a flag lot, with a 50 ft. wide stem extending from Mill Street to a single-family home located in the southeast corner of the property. The proposal is to keep the existing home on one lot, and then divide the remaining property into three additional lots, surrounding a full cul-de-sac. All four lots have the required building pads and necessary frontage.

Mr. Knowlton appeared before the Planning Commission once before to discuss the requirements for building on this property and the thought at that time was that the cul-de-sac needed sidewalks but the park strip could be eliminated to mitigate the impact on the neighboring properties. This proposal shows a standard road cross-section with four ft. wide park strips, rather than the standard six foot.

The property is already served by a six inch water main and an eight inch sewer main. With these utilities already in place only the laterals need to be stubbed in to the three new lots. All of the

other utilities are located in the area and will also need to be stubbed into the new lots.

The proposed cul-de-sac drains north to Mill Street, while much of the rest of the property drains south into Mill Creek. Collecting the drainage and piping it to the creek would result in several new back/side yard culvert pipes which would cross through the residential yards, making access and maintenance very difficult. This would also make it difficult to reach the outfall at the creek, which would have to be accessed and sampled regularly per EPA regulations. Normally a deep pipe could run out to the mouth of the cul-de-sac and tie into the storm drain system in the connecting street, however, in this instance Mill Street does not have a storm water system. Everything west of Davis Blvd. drains on the surface in the Mill Street gutters to Orchard Drive, where the water is picked up and piped into the Creek. With the steep slope of the street, there is plenty of capacity in the gutters, except the velocity makes it difficult to capture the water when it gets to the bottom of the hill. In discussing this situation with the Lewis' engineer, we reviewed the possibility of using the money that would otherwise be needed for culverts and piping to be used to upgrade the collection system at the intersection of Mill Street and Orchard Drive. This is a reasonable way of dealing with the relatively small amount of additional water that would be added to Mill Street by this development.

The public hearing was opened for all those with comments and concerns. The public hearing was closed without comments.

A Commission Member asked about snow removal around the cul-de-sac.

Brian Knowlton explained that the new design of the cul-de-sac includes 4' park strips for the storage of snow.

Staff recommended preliminary approval of the proposed subdivision with the following conditions and exceptions:

CONDITIONS:

1. Because no onsite storm water detention is available, payment of the standard storm drain impact fee will be required at \$2,100 per acre.
2. Show the buildable pads on the preliminary plat.
3. Design and provide funding for an acceptable modification to the storm drain inlet system at Mill Street and Orchard Drive.
4. Post a bond, provide a current title report, pay the fees and sign a development agreement as required by ordinance.
5. Provide a construction site runoff plan.

EXCEPTIONS:

1. Allow the standard street cross section to be reduced by four feet by making the Park strips on each side of the cul-de-sac four feet in width, rather than the standard six feet.

Ray Keller made a motion for preliminary subdivision approval for 712 East Mill Street subject to the conditions and exceptions outlined by Staff. Barbara Holt seconded the motion and voting was unanimous in favor.

3. PUBLIC HEARING - Consider preliminary and final condominium plat approval located at 320 North 200 West, Robert Gibson, applicant.

Robert Gibson, applicant, was present. Paul Rowland explained that Mr. Gibson is requesting that his four unit apartment complex at 320 North 200 West be converted into a planned unit development. This small four-plex was granted condominium site plan approval in March of 2004, but Mr. Gibson decided not to record a condo plat and went ahead and built the 4-plex as a regular apartment structure containing two 2-bedroom units and two 3-bedroom units. While from a City approval standpoint the difference between a PUD and a condo is very subtle, the lending industry views them as distinctly different types of development. Currently it is easier to get funding for PUD's than for condominiums, which is why we've seen several PUD conversions over the past year. In this case, the only real change is the name of the development and how the individual units are owned. Nothing changes with the floor plans, side yards, setbacks, parking, landscaping, etc.

The only concern with this conversion is parking. When the apartments were originally approved, they were approved with the two 2-bedroom units and two 3-bedroom units because there was only ground for 10 parking stalls. Staff has verified with Mr. Gibson that the basements in the 2-bedroom units have not been finished with additional bedrooms.

Staff recommends preliminary and final PUD conversion for the Gibson Planned Unit Development with the following conditions:

1. Submit a current title report.
2. Make minor changes to the plat per red lines.
3. Pay all required fees.
4. Verify that no additional bedrooms have been added to the 2-bedroom units.

The public hearing was opened for all those with comments and concerns. The public hearing was closed without comments.

Mr. Jensen suggested that a note will be placed on the final plat stating no additional bedrooms.

Michael Allen made a motion to recommend to the City Council preliminary and final PUD approval for 320 N. 200 W. subject to the conditions outlined by Staff with the additional condition:

5. Note be applied to the final plat stating that no additional bedrooms beyond the original approval may be constructed in these units due to parking constraints.

Barbara Holt seconded the motion and voting was unanimous in favor.

4. Consider a six-(6) month approval extension for a multifamily site plan located at 315 West 200 North, John Blosch, applicant.

John Blosch, applicant, was present. Aric Jensen explained that Mr. John Blosch, applicant, requests a 6 month approval extension for his 4 unit multifamily development at 315 W. 200 North in the RM-13 zone. As background, this project was originally approved by the City Council on February 12, 2008. Approximately three weeks ago, Mr. Blosch submitted a building permit to commence construction. During the review process, staff realized that the site plan approval had lapsed on February 12, 2009. Under the provisions of 14-2-305, the Council may approve one six-month extension of an original site plan approval.

Attached is a copy of the approved site plan. Staff has reviewed the approved site plan and does not believe that changes made to the Land Use Ordinance since the time of final site plan approval would have any effect on this project. As such, the recommendation is to approve a six-month extension of the original multi-family site plan approval, effective February 12, 2009, and terminating August 12, 2009. After August 12, 2009, the applicant would have to restart the site plan approval process from the beginning.

Recommend that the City Council grant a six month extension of the final approval for the 4 unit multifamily development at 315 W 400 North, said extension to commence February 12, 2009, and terminate August 12, 2009, as allowed under 14-2-305 of the Bountiful City Land Use Ordinance.

Russell Mahan read section ordinance 14-2-305 to the Commission Members.

John Blosch explained that the lending agencies change their policies from day to day. He has had to change banks in order to get a loan and is now ready to start construction.

Michael Allen made a motion to recommend to the City Council a six month extension approval for 315 W. 200 N. dated from the prior approval on February 12, 2009. Ray Keller seconded the motion and voting was unanimous in favor.

Meeting adjourned at 7:50 pm